

Michigan Election Reform Alliance.org - Testimony

Statement to the House Committee on Redistricting and Elections

April 24, 2012

Regarding SB 751 -Inactive Voter File

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SB 751 - Inactive Voter File and the Myth of Voter Fraud

An inactive voter file in the Michigan Qualified Voter File proposed in SB 751 would essentially set up a challenge to voters based on the spurious assumption that if one hasn't voted for a certain time, one no longer lives at the previous residence or is possibly dead. Neither of these assumptions without credible evidence can be used to deny or complicate the voting process. An inactive file requiring a challenge by the clerk in this law, abrogates Michigan law which clearly establishes that a challenge must be made in the polling place based on one of the three requirements for voting: citizenship, age and same residence as registered. (MCL 168.729) None of these requirements would have been proved to be wanting in the case of voters in the inactive file. And yet persons voting absentee would be challenged and it is not clear if then their votes would be counted. In addition, the new law would also put into question the purpose of the QVF itself, as "a statewide qualified voter file that consists of all qualified electors who wish to be registered to vote in local, state and federal elections." (MCL 168.509m) Further, such a file would arguably violate the National Voting Rights Act of 1993 which provides specific requirements for removing a person from the voter rolls through a process which extends beyond two federal general elections unless the voter has himself provided information to change his residence or verify it has not changed, he/she has returned his driver's license indicating he may have moved, or his name appears on an official list such as death records for the state. Finally, the Fourteenth Amendment of the U.S. Constitution assures "equal protection of the laws." On what basis should people who haven't voted for 6 years be treated differently? If the inactive file is devised in order to determine numbers of voters in precincts or other planning activities, our Michigan QVF software allows local clerks to press a button and find the number of active voters. No additional bureaucracy is necessary.

The assumption upon which much of the election legislation offered this year by the majority party to the legislature seems to rest in the belief that voter fraud somehow has become a virulent virus to be prevented by means of legislative vaccines/preventatives such as more instances when voter ID would be required, asking over and over whether a voter is "still" a citizen (under what circumstances is a person likely to lose his citizenship?), curbing third-party voter registrations in the fear that non-citizens or those unqualified will be registered, even though voter fraud has not been a problem in Michigan and shows no signs of becoming so. By repeating the words voter fraud over several years via the news media the misconception has

taken root even among the general public that voter fraud is rampant. In this country voter fraud, that is, fraud by individual voters, not any other participants in elections process, during the years 2002-2005 has never changed the outcome of an election and has been prosecuted in federal court only 26 times. Sadly this took place primarily by ineligible voters who mistakenly thought they were able to vote after having served prison sentences, but since they were on tethers in their states were in fact still ineligible. Only five of the cases involved multiple voting. This number is so minuscule as to be insignificant. And what possible motive would voters have to commit fraud when the penalties are fines and imprisonment? And how many fraudulent votes would be required to change an election? So few voter errors in so many elections during that period had to be expected, but are no cause for alarm. The statistics cited above and available in toto below, and presented by Prof. Lorraine Minnite in her book The Myth of Voter Fraud, 2010, based on U.S. Department of Justice records, should dismiss the hysteria surrounding voter fraud. Even if a few Michigan citizens are voting twice for dead people in Illinois as Rep. McBroom mentioned during last week's committee hearing, elections have not been changed by their fraud.

Thus it seems counterproductive, as well as an unnecessary expenditure of scarce tax dollars, to add an "inactive file based on not voting for six years" to our Qualified Voter File in Michigan as well to add various other bureaucratic changes to further complicate election administration. This, along with other proposed bureaucratic regulations to complicate election administration, does nothing to prevent insider vote count rigging, which is our real and present election security problem.

Attachment: "Federal election crime defendants and case outcomes by type of election crime and type of defendant FY 2002-2005" in Minnite, Lorraine, The Myth of Voter Fraud, 2010, p. 227.

TABLE A3.1
Federal election crime defendants and case outcomes by type of election crime and type of defendant, FY2002-FY2005

Convicted or pled guilty							
Government officials, party, campaign or election workers							
Type of election crime	Voters	Government officials	Party or campaign workers	Election workers	Total	Acquitted or case dismissed	Total
Registration fraud	1	1	1	0	3	0	3
Voting by ineligible	20	0	0	0	20	10	30
Multiple voting	5	0	0	0	5	4	9
Vote buying	0	8	27	2	37	10	47
Ballot forgery	0	0	0	1	1	0	1
Civil rights violations	0	0	2	0	2	1	3
Voter intimidation	0	2	0	0	2	0	2
Total	26	11	30	3	70	25	95

Source: U.S. Department of Justice, Criminal Division, Public Integrity Section, "Election Fraud Prosecutions & Convictions, Ballot Access & Voting Integrity Initiative, October 2002-September 2005," n.d.; author.